

## Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 W

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 0000

INFO AMEMBASSY SAN JOSE

C O N F I D E N T I A L NASSAU 1543

EXDIS

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION: ROBERT VESCO

REF: NASSAU 1536; STATE 206618

1. FOLLOWING OUR REVIEW OF STATE REFTEL, WE HAVE DECIDED FOR NOW AGAINST ATTEMPTING TO DETERMINE WHETHER GCOB WANTS REQUEST FOR EXTRADITION DIRECTED TO FOREIGN MINISTRY OR ATT-

ORNEY GENERAL IN ORDER NOT TO ALERT VESCO, IF HE IS HERE, OF OUR INTENTIONS. FOREIGN MINISTRY AND ATTORNEY GENERAL POST ARE IN ANY EVENT HELD BY SAME PERSON.

2. YOU HAVE BY NOW RECEIVED NASSAU 1536, WHICH RECORDED THE POINTS RAISED BY THE CHIEF MAGISTRATE IN JUNE 1973. WE HAVE REVIEWED THE TEXT OF THE SEALED INDICTMENT AND IT APPEARS TO US, AS WE BELIEVE IT WILL ALSO BE LIKELY TO APPEAR TO THE GCOB, TO BE A CONTINUATION OF THE ORIGINAL REQUEST. CONSEQUENTLY, WE BELIEVE WE MUST BE PREPARED AT THE TIME WE MAKE OUR FORMAL REQUEST FOR EXTRADITION TO ENCOUNTER, AND TO ANSWER, THE CHIEF MAGISTRATE'S POINTS.

3. IN PARTICULAR, WE WILL NEED TO PROVE THAT THE OFFENSES ARE CRIMINAL UNDER THE LAWS OF GREAT BRITAIN OR IN BAHAMIAN STATUTES (APPROPRIATE SECTIONS OF WHICH WERE SENT TO DEPARTMENT IN JULY). IN THIS CONNECTION, WE NOTE THAT THE INFORMATION IS CONFIDENTIAL

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TION ON THE BERMUDA WARRANT IS FYI. WE UNDERSTAND THERE PROBABLY ARE SOUND REASONS FOR NOT INFORMING THE GCOB OF THE BERMUDA DECISION IF WE WANT THAT DECISION KEPT SECRET FROM

VESCO, BUT IT WOULD BE AN IMPORTANT ADDITION TO OUR ARGUMENTS. IF WE CANNOT USE THE INFORMATION ABOUT BERMUDA, IT WOULD BE HELPFUL AT LEAST TO DETERMINE WHETHER THERE WAS ANY REFERENCE TO UK LAW IN THE DECISION.

4. ITHE POSSIBLE INTERPRETATION OF THE OFFENSE AS ONE OF ILLEGAL USE OF WIRES RATHER THAN FRAUD IS, IN OUR VIEW AS WELL AS THE DEPARTMENT'S, THE MAIN PROBLEM. AS WE REPORTED IN NASSAU 767, ATTORNEY WALLACE-WHITFIELD WAS TROUBLED BY CHOICE OF 18USCI343 AND WE ARE NOT SANGUINE THAT BLASINGAME DECISION WILL BE CONVINCING HERE.

5. INDEED, AS WE REPORTED NASSAU 1306, ATTORNEY GENERAL ADDERLEY HAS SAID HE HAS "BEEN CONVINCED FROM THE BEGINNING THAT VESCO HAD NOT BEEN INDICTED IN THE US FOR AN OFFENSE EXTRADITABLE UNDER....THE TREATY."

6. IN SUM, WE BELIEVE THAT AT THE TIME WE MAKE OUR FORMAL REQUEST, WE MUST HAVE IN HAND EVIDENCE THAT VESCO WAS IN THE US WHEN HE COMMITTED THE OFFENSE, THAT IT IS FRAUD, THAT THERE ARE PARALLELS IN EITHER BAHAMIAN STATUTE OR UK LAW, AND THAT IT IS AN EXTRADITABLE OFFENSE.

7. WE HAVE NO KNOWLEDGE OF VESCO'S PRESENCE HERE AND ANY EFFORT TO CONFIRM IT COULD PROMPT HIS EARLY DEPARTURE. WE WOULD OF COURSE REQUEST HIS PROVISIONAL ARREST IN THAT EVENT, BUT IT IS CLEAR FROM THE RECORD THAT THE BAHAMIANS, IN SPITE OF THE WOODRING CASE PRECEDENT, ARE LIKELY TO MAKE THE ARREST ONLY AFTER PRESENTATION AND REVIEW OF THE EVIDENCE. THEREFORE, WE SHOULD BE INSTRUCTED, AS THE CONSULATE GENERAL APPARENTLY WAS NOT, TO MAKE THE ARGUMENT THAT HIS PROVISIONAL ARREST SHOULD BE UNDERTAKEN PURSUANT TO IMPLIED PROVISIONS OF ARTICLE 11 OF TREATY, AND WE WILL NEED PARTICULARLY APPLICABLE UK PRECEDENTS.

8. IF THE ARGUMENTS AND PRECEDENTS FOR IMPLIED PROVISIONS OF ARTICLE 11 ARE STRONG ENOUGH, WE SEE A BASIS FOR PERSUAD-  
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ING AEDERLEY, WHO IS FIRST AND FOREMOST A LAWYER, THAT GCOB HAS BASIS FOR PROVISIONAL ARREST. IN THAT CASE, WE WOULD PROPOSE STARTING WITH THE REQUEST FOR PROVISIONAL ARREST. HOWEVER, IF THE ARGUMENTS AREN'T STRONG ENOUGH, WE WOULD PROPOSE GOING FOR BOTH...PROVISIONAL ARREST AND EXTRADITION... SIMULTANEOUSLY.  
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